

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 31138 of 2018

M.Gajendran

... Petitioner

Vs

1.The Inspector of Police,
D-2, Chengalpattu Taluk Police Station,
Kancheepuram District.

2. The Licensing Authority cum-
Regional Transport Officer,
Chengalpattu,
Kancheepuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the second respondent to return the original driving licence (DL.No.TN 21 X 2004 0006633) to the petitioner forthwith.

For Petitioner :Mr.K.Hariharan
For Respondents :Mrs. Ramya Revathy,
Government Advocate

O R D E R

This writ petition has been filed seeking direction to the second respondent to return the original Driving Licence to the petitioner.

2. According to the petitioner, he is a driver in Tamilnadu State Transport Corporation, Villupuram and the bus driven by him was met with an accident on 09.11.2018. Based on that, a criminal case was registered against him by the first respondent in Cr.No.722/2018. Thereafter, the first respondent seized his licence and produced the same before the second respondent/Regional Transport Officer under section 19 of the Motor Vehicle Act. But, so far no action has been taken by the second respondent and the second respondent/Regional Transport Office is holding the licence with them. Hence, the present writ petition is filed.

3. Today, when the matter is taken up for the hearing, the learned Government Advocate, appearing for the respondents submitted that already an enquiry has been initiated under section 19(1) of the Act and show cause notice is not yet given to the petitioner.

4. I have heard the rival submissions and perused the materials available on records.

5. Considering the fact that though enquiry has been initiated under section 19(1) of the Act, show cause notice is not yet given to the petitioner, the second respondent is directed to issue show cause notice to the petitioner within a period of one week from the date of receipt of a copy of this order and the petitioner is directed to submit his objection, before the second respondent, within a period of two weeks thereafter. On receipt of the same, the second respondent is directed to conduct enquiry and pass a final reasoned order on merits and in accordance with law within a period of four weeks, thereafter. Until the final order is passed in the proceedings, the second respondent has no power to withhold the licence. In the said circumstances, the second respondent is directed to return the Licence to the petitioner subject to the result of the enquiry proceedings.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
D-2, Chengalpattu Taluk Police Station,
Kancheepuram District.

2. The Licensing Authority cum-
Regional Transport Officer,
Chengalpattu,
Kancheepuram District.

+1cc to Mr.K.Hariharan, Advocate, S.R.No.80276

+1cc to the Government Pleader, S.R.No.80943

W.P.No. 31138 of 2018

PA(CO)

GSP(29/11/2018)